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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

SANTOSH BHARDWAJ,

Plaintiff,

- against -

**PRABHU DAYAL, CHANDINI DAYAL, and
AKANSHA DAYAL,**

Defendants.

PRABHU DAYAL,

Counterclaim-Plaintiff,

- against –

SANTOSH BHARDWAJ,

Counterclaim-Defendant,

- and -

HOLLIS PFITSCH,

- and -

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**Additional Defendants on
Counterclaims.**

No. 11 Civ. 4170 (AKH)

**NOTICE OF PLAINTIFF'S MOTION TO DISMISS AND FOR SUMMARY
JUDGMENT DISMISSING COUNTERCLAIMS**

PLEASE TAKE NOTICE THAT Plaintiff hereby moves this Court, before the Honorable Alvin K. Hellerstein, United States District Court for the Southern District of New York, for an Order:

- (1) dismissing Defendant Prabhu Dayal's Counterclaims in their entirety; and
- (2) granting such other, further, or different relief as the Court deems just and proper.

In support of this Motion, Plaintiff submits the following:

- a) Memorandum of Law in Support of Plaintiff's Motion to Dismiss and for Summary Judgment Dismissing Counterclaims;
- b) Plaintiff's Statement of Undisputed Material Facts in Support of Plaintiff's Motion for Summary Judgment Pursuant to Local Civil Rule 56.1; and
- c) Declaration of Santosh Bhardwaj in Support of Plaintiff's Motion to Dismiss and for Summary Judgment Dismissing Counterclaims.

Dated: March 8, 2012
New York, New York

Respectfully submitted,

OUTTEN & GOLDEN LLP

By:

/s/ Dana Sussman

Dana Sussman

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